

### **REMARKS/ARGUMENTS**

Upon entry of the above claim amendments, claims 1-14, 16, 18, and 20 are pending in the present application. Claims 1-14 and 16 have been amended in this paper. Claims 18 and 20 have been withdrawn from further consideration on merits.

Claim 1 has been amended to more clearly define the subject matter of the present invention. Support for the amendments can be found in the claims as originally filed and throughout Applicants' specification, for example, lines 17-18 of page 11, and Examples 1-108 at pages 57 through 116 of the application as originally filed.

Claim 2 has been amended in accordance with the within amendment to claim 1 and also for correction of minor informalities. Support for the amendment can be found in the claim as originally filed.

Claims 3-14 and 16 have been amended for clarification. Support for these claims can be found in the claims as originally filed.

No new matter has been introduced.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections and the rejections of the present application in view of the remarks herewith, is respectfully requested, as the application is in condition for allowance.

### **Rejections under 35 U.S.C. 112, Second Paragraph**

Claims 1-14 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Specifically, the Examiner alleges that the word "general" renders the claims indefinite. Applicants submit that the rejections have been overcome by the above claim amendments.

Claim 16 has also been rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Particularly, the Examiner alleges that the recitations of "general" and "characterized

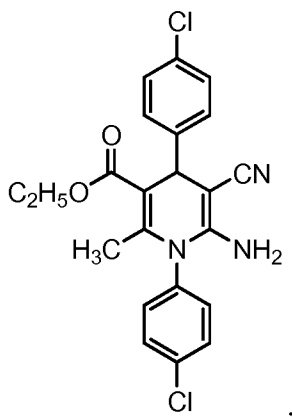
in that” make the claim indefinite. Further, the Examiner has also objected to the claim for its alleged improper dependency. In view of the claim amendment as presented in this paper, Applicants submit that the rejection is now overcome.

Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. 112, second paragraph, of claims 1-14 and 16 is respectfully requested.

### **Rejections under 35 U.S.C. 102(b)**

Claims 1-4, 6-10, 13, 14, and 16 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Erian *et al.*, *A Novel Synthesis of Fused Pyrazole Systems as Antimicrobial Agents*, *Pharmazie*, 53 (11): 748-751 (1998) (hereinafter “Erian”). Applicants respectfully traverse.

Nonetheless, without conceding to the Examiner’s allegation and solely for the purpose to expedite the prosecution of this application, claim 1 (together with its dependent claims) has been amended in this paper to recite a compound of formula (I) wherein R<sup>9</sup> represents nitro, trifluoromethyl or C<sub>1</sub>-C<sub>6</sub>-alkyl, that is, R<sup>9</sup> *cannot* be hydrogen or halogen (e.g., chlorine). In contrast, Erian only discloses a compound with the following structure:



in which its R<sup>9</sup> group according to formula (I) of the present application is hydrogen or chlorine. Accordingly, Applicants submit that Erian will not and cannot anticipate the claimed subject matter as amended. As such, Applicants submit that the rejections under 35 U.S.C. 102(b) are now traversed.

In view of the foregoing, reconsideration and withdrawal of the rejections of claims 1-4, 6-10, 13, 14, and 16 under 35 U.S.C. 102(b) is respectfully requested.

### **CONCLUSIONS**

In view of the remarks made herein, the present application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested.

Please charge any required fee or credit any overpayment to Deposit Account No. 04-1105, under Order No. 83514(303989).

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Customer No. 21874

Respectfully submitted,

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